

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Plaintiff,

v.

Phillip Samuel Howell,

Defendant.

Case No. 24-cr-287 (PJS/TNL)

ORDER

This matter comes before the Court on the Defendant Phillip Samuel Howell's Motion for Continuance and Excludable Delay, ECF No. 18. Defendant has also filed a Statement of Facts in Support of Exclusion of Time Under Speedy Trial Act, ECF No. 19.

Defendant requests that the motions filing date and the motion hearing date be continued. ECF No. 18. Defendant states that he needs additional time to review discovery and meet with his attorney. ECF No. 19 at 1. The Government has no objection to the requested extension. ECF No. 18 at 1. Defendant also seeks an exclusion under the Speedy Trial Act. *Id.*; ECF No. 19 at 1.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy trial and such continuance is necessary to provide Defendant and his counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion for Continuance and Excludable Delay, ECF No. 18, is **GRANTED**.

2. The period of time from **the date of this Order through December 16, 2024**, shall be excluded from Speedy Trial Act computations in this case.

3. All motions in the above-entitled case must be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **December 16, 2024**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses must be delivered directly to the chambers of Magistrate Judge Leung.

4. **Counsel must electronically file a letter on or before December 16, 2024 if no motions will be filed and there is no need for hearing.**

5. All responses to motions must be filed by **December 30, 2024**. *See* D. Minn. LR 12.1(c)(2).

6. Any Notice of Intent to Call Witnesses must be filed by **December 30, 2024**. *See* D. Minn. LR. 12.1(c)(3)(A).

7. Any Responsive Notice of Intent to Call Witnesses must be filed by **January 3, 2025**. *See* D. Minn. LR 12.1(c)(3)(B).

8. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and a defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

9. If required, the motions hearing must be heard before Magistrate Judge Tony N. Leung on **January 9, 2025, at 10:00 a.m.**, in Courtroom 9W, Diana E. Murphy United States Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota. *See* D. Minn. LR 12.1(d).

10. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT:**
the following trial and trial-related dates are:

Trial briefs, voir dire questions, proposed jury instructions, and trial-related motions (including motions in limine) must be filed and submitted to Chief Judge Schiltz's chambers by **4:00 p.m. on January 15, 2025**. Counsel shall also email the proposed jury instructions to Chief Judge Patrick Schiltz at schiltz_chambers@mnd.uscourts.gov.

Responses to trial-related motions (including motions in limine) must be filed and submitted by **4:00 p.m. on January 21, 2025**.

A pretrial conference will be held on **January 24, 2025, at 9:00 a.m. in Courtroom 15**, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota before Chief Judge Patrick J. Schiltz. The government must submit its lists of prospective witnesses and prospective exhibits at this conference.

This case is scheduled for trial on **January 27, 2025, at 9:00 a.m. in Courtroom 15**, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota, before Chief Judge Patrick J. Schiltz.

b. **IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel**

must contact the Courtroom Deputy for Chief District Judge Schiltz to confirm the new trial date.

Dated: November 22, 2024

/s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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